



March 30, 2005

ENGROSSED SENATE BILL No. 195

DIGEST OF SB 195 (Updated March 29, 2005 11:36 am - DI 69)

Citations Affected: Noncode.

Synopsis: Environmental crimes task force. Establishes the environmental crimes task force to study the appropriate class of criminal violation that should be assigned to each type of environmental crime. Requires the task force to file a final report before November 1, 2007.

Effective: Upon passage.

Kenley, Antich-Carr, Waterman
(HOUSE SPONSORS — HEIM, HOY)

January 4, 2005, read first time and referred to Committee on Energy and Environmental Affairs.

January 19, 2005, reported favorably — Do Pass.

January 24, 2005, read second time, amended, ordered engrossed.

January 25, 2005, engrossed. Read third time, passed. Yeas 45, nays 2.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Environmental Affairs.

March 29, 2005, amended, reported — Do Pass.

C
o
p
y

ES 195—LS 6943/DI 69+



March 30, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 195

A BILL FOR AN ACT concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "task force" refers to the environmental crimes task
3 force established by this SECTION.

4 (b) There is established the environmental crimes task force.

5 (c) The task force consists of the following members:

6 (1) Two (2) members of the house of representatives appointed
7 by the speaker of the house of representatives. The members
8 appointed under this subdivision may not be members of the
9 same political party.

10 (2) Two (2) members of the senate appointed by the president
11 pro tempore of the senate. The members appointed under this
12 subdivision may not be members of the same political party.

13 (3) Two (2) members appointed by the governor who are
14 representatives of local government. The members appointed
15 under this subdivision may not be members of the same
16 political party.

17 (4) Three (3) members appointed by the governor who are
18 representatives of environmental advocacy organizations.

ES 195—LS 6943/DI 69+



C
o
p
y

(5) Two (2) members appointed by the governor who are representatives of business and industry.

(6) Two (2) members appointed by the governor who are attorneys with expertise in environmental law.

(7) The commissioner of the department of environmental management or the commissioner's designee.

(8) One (1) member nominated by the attorney general and appointed by the president pro tempore of the senate.

(9) One (1) member nominated by the prosecuting attorneys council of Indiana and appointed by the speaker of the house of representatives who is a representative of prosecuting attorneys.

(10) The director of the law enforcement division of the department of natural resources or the director's designee.

(11) A representative of a business group affected by environmental laws appointed by the governor.

The appointments required under this subsection shall be made before July 1, 2005.

(d) The appointed members of the task force serve at the pleasure of the appointing authority. The appointing authority shall fill any vacancy on the task force within forty-five (45) days.

(e) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairperson of the commission.

(f) The expenses of the task force shall be paid from appropriations made to the legislative council or the legislative services agency.

(g) The task force shall do the following:

(1) Conduct studies necessary to prepare a final report that includes at least the following:

(A) A summary of environmental crime statutes of other states.

(B) A summary of requirements of federal environmental programs delegated to states.

(C) A summary of federal criminal sentencing guidelines.

(D) Recommendations about which environmental law violations should be a misdemeanor, a Class D felony, or a felony of another class.

(E) If determined appropriate by the task force, recommendations for legislation, including a set of specific statutory standards for determining criminal violations.

The task force must consider in its studies the full range of

C
o
p
y



1 issues dealing with environmental law.

2 (2) Submit its final report before November 1, 2007, to:

3 (A) the governor;

4 (B) the executive director of the legislative services agency
5 in an electronic format under IC 5-14-6; and

6 (C) the environmental quality service council.

7 (h) The department of environmental management shall provide
8 staff support to the task force.

9 (i) The task force shall operate under the policies governing
10 study committees adopted by the legislative council.

11 (j) A quorum of the task force must be present to conduct
12 business. A quorum consists of a majority of the members of the
13 task force. The task force may not take an official action unless the
14 official action has been approved by at least a majority of the
15 members of the task force.

16 (k) This SECTION expires January 1, 2008.

17 SECTION 2. An emergency is declared for this act.

C
o
p
y



SENATE MOTION

Madam President: I move that Senator Antich-Carr be added as coauthor of Senate Bill 195.

KENLEY

 COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 195, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 195 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 9, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 195 be amended to read as follows:

Page 2, line 7, delete "appointed" and insert "**nominated**".

Page 2, line 7, delete "." and insert "**and appointed by the president pro tempore of the senate.**".

Page 2, line 8, delete "appointed" and insert "**nominated**".

Page 2, line 9, after "Indiana" insert "**and appointed by the speaker of the house of representatives.**".

Page 2, line 13, delete "the Indiana Hardwood Lumbermen's" and insert "**a business group affected by environmental laws appointed by the governor.**".

Page 2, delete line 14.

Page 2, line 15, delete "the Hoosier Chapter of the Sierra" and insert "**an environmental advocacy organization appointed by the governor.**".

Page 2, delete line 16.

Page 3, line 7, delete "legislative services agency" and insert

C
o
p
y



"department of environmental management".

(Reference is to SB 195 as printed January 20, 2005.)

KENLEY

SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Bill 195.

KENLEY

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 195, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "Two (2)" and insert "**Three (3)**".

Page 1, line 18, delete "interests." and insert "**advocacy organizations.**".

Page 2, delete lines 17 through 18.

and when so amended that said bill do pass.

(Reference is to SB 195 as reprinted January 25, 2005.)

WOLKINS, Chair

Committee Vote: yeas 12, nays 0.

**C
o
p
y**

